

AO 241
(Rev. 01/15)

FILED	LODGED
RECEIVED Page 2	
MAY 16 2023	
CLERK U.S. DISTRICT COURT	
WESTERN DISTRICT OF WASHINGTON AT TACOMA	
BY	DEPUTY

**PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

United States District Court Western		District:	Docket or Case No.:
Name (under which you were convicted): JOHN E ROACH		3: 23-CV-5446 BHS	
Place of Confinement:		Prisoner No.: 889753	
Petitioner (include the name under which you were convicted): JOHN E ROACH		Respondent (authorized person having custody of petitioner) v. ATTORNEY GENERAL WASHINGTON STATE	
The Attorney General of the State of:			

PETITION

1. (a) Name and location of court that entered the judgment of conviction you are challenging:

Pierce County Superior Court

- (b) Criminal docket or case number (if you know):

2. (a) Date of the judgment of conviction (if you know):

(b) Date of sentencing: 2-6-2006

3. Length of sentence: 41 months

4. In this case, were you convicted on more than one count or of more than one crime? ☐ Yes ☒ No

5. Identify all crimes of which you were convicted and sentenced in this case:

ASSAULT OF A CHILD SECOND DEGREE
CONSPIRACY ON COURT RECORD
OFFICER OF THE COURT ON THIS CASE
THUS INTERNET NEXT THEY GET COPIES DO
TWO FEDERAL PEOPLE HAVE READ
YOU CONSPIRACY LIB TOO THEY WILL POST
ON INTERNET TOO

6. (a) What was your plea? (Check one)

☒

(1)

Not guilty

☐

(3)

Nolo contendere (no contest)

☐

(2)

Guilty

☐

(4)

Insanity plea

STATUTE OF LIMITATION ON DISCOVERY RULE
EXCEPTION 569 W.S. 383

Free Pd Tac 3-284

AO 241
(Rev. 01/15)

(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to?

1 AMENDMENT RIGHT on INTERVIEW

(c) If you went to trial, what kind of trial did you have? (Check one)



Jury



Judge only

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?



Yes



No

8. Did you appeal from the judgment of conviction?



Yes



No

9. If you did appeal, answer the following:

(a) Name of court:

DV2

(b) Docket or case number (if you know):

(c) Result:

(d) Date of result (if you know):

(e) Citation to the case (if you know):

(f) Grounds raised:

PROSECUTOR MISCONDUCT

McQuiggin v PERKINS 569 US 383
OVER STATUTE OF LIMITATION ON
CONSPIRACY

(g) Did you seek further review by a higher state court?



Yes



No

If yes, answer the following:

(1) Name of court:

WA STATE SUPREME COURT

(2) Docket or case number (if you know):

(3) Result:

EXEMPTORY THEY CALLED IT A
WASNT IT WAS IMPROBABLE EVIDENCE

(4) Date of result (if you know):

PROSECUTOR HAD FULL KNOWLEDGE
OF BOTH COURT MOTION 6089 CREDIBILITY AND HEARSAY
FOO AND DOJ 9-50016 DISCOVERY BUILDANCE

AO 241
(Rev. 01/15)

(5) Citation to the case (if you know):

(6) Grounds raised:

PROSECUTOR MIS CONDUCT
 SUPPRESSION OF EVIDENCE
 CONSPIRE ON COURT RECORD
 WHICH IS A FEDERAL CRIME, 18 USC 241

(h) Did you file a petition for certiorari in the United States Supreme Court?

☐ Yes☒ No

If yes, answer the following:

(1) Docket or case number (if you know):

(2) Result:

(3) Date of result (if you know):

(4) Citation to the case (if you know):

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court? ☒ Yes ☐ No

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court:

(2) Docket or case number (if you know):

(3) Date of filing (if you know):

(4) Nature of the proceeding:

(5) Grounds raised:

BUT I did BRING UP
 DOJ 9-5061B
 AND called it EXCULPATORY, IT WAS
 IMPEACHMENT EVIDENCE
 GIGLIOV, US 405-45 150
 WAS ON THAT INFO, TOO
 AND PROSECUTOR, Had To BY
 FEDERAL LAW BOTH 60841 AND
 HEAR SAY EVIDENCE TO THE JURY
 18 USC 241 INSTEAD HE THE JUDGE & ATTORNEY

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes☒ No

(7) Result:

(8) Date of result (if you know):

Filed on open COURT RECORD
 RECORD,

AO 241
(Rev. 01/15)

(b) If you filed any second petition, application, or motion, give the same information:

(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐

Yes

☒

No

(7) Result: _____

(8) Date of result (if you know): _____

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

AO 241
(Rev. 01/15)

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☐ No

(7) Result: _____

(8) Date of result (if you know): _____

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: ☐ Yes ☐ No(2) Second petition: ☐ Yes ☐ No(3) Third petition: ☐ Yes ☐ No

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: CONSPIRE 18 USC 241 ON IMPEACHMENT
EVIDENCE, EXHIBIT 2 AND EXHIBIT 1

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

VERBATIM TRANSCRIPT EXHIBIT 3 PG. 398 LN 25
PG 4 TO 3, CHARACTER, but THERE IS NO
EVIDENCE THAT HE HAS bad CHARACTER"
OR SOMETHING LIKE THAT, EFFORT
YET EXHIBIT 1 608(a) CHARACTER EVIDENCE
FILED IN OPEN COURT FILE DEPT 8
AND EXHIBIT 2 HEARSAY EVIDENCE FILED IN

(b) If you did not exhaust your state remedies on Ground One, explain why: OPEN COURT 909,

DEFENDANT HAD A LEGAL RIGHT
TO THIS EVIDENCE THE LAW REQUIRES
THE DISCLOSURE OF IMPEACHMENT EVIDENCE
WHEN SUCH EVIDENCE MATERIAL TO GUILT OR
PUNISHMENT. THE STATE AG AND JUDGE
ATTORNEY LIE ON OPEN COURT RECORD
A FEDERAL FELONY/ 10 YEARS IN FEDERAL PRISON

AO 241
(Rev. 01/15)(c) **Direct Appeal of Ground One:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

☒

Yes

☐

No

(2) If you did not raise this issue in your direct appeal, explain why: _____

_____(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒

Yes

☐

No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

☐

Yes

☒

No

(4) Did you appeal from the denial of your motion or petition?

☒

Yes

☐

No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☒

Yes

☐

No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: DISTRICT COURT

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

_____(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

AO 241
(Rev. 01/15)

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: _____

GROUND TWO:

ABUSE OF DISCRETION BY Judge
ABUSE OF DISCRETION BY Judge
SUPPRESSING EVIDENCE IN CRIMINAL TRIAL

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Judge HAD FULL KNOWLEDGE OF
BOTH OPEN COURT MOTIONS
EXHIBIT 1 668a CHARACTER EVIDENCE
18 USC 241 CONSPIRE ON COURT RECORD
AGAINST (2R)
EXHIBIT 2 HEAR SAY STATEMENT
AND CONSPIRE ON COURT RECORD, ALL THREE

(b) If you did not exhaust your state remedies on Ground Two, explain why:

EXHAUST STATE

(c) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

☐

Yes

☒

No

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐

Yes

☒

No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

✓

AO 241
(Rev. 01/15)

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition?

☐

Yes

☐

No

(4) Did you appeal from the denial of your motion or petition?

☐

Yes

☐

No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☐

Yes

☐

No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two:

DANIELA V. DAVIS 137-5 CT 2058
GROUND THREE: INEFFECTIVE ASSISTANCE OF
APPELLATE COUNSEL

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

APPELLATE ATTORNEY KNEW OF VERBATIM
GIBLIO V. US 405 US 150 IMPERMAN
TRANSCRIPTS - AND HOW - ALL THREE
WERE ON OPEN COURT RECORD
ON BOTH OPEN COURT MOTION 608(a)
I HEAR SAY EVIDENCE
THUS THEY CONSPIRE KNOWING THAT
EVIDENCE IS THERE 18452211

AO 241
(Rev. 01/15)

(b) If you did not exhaust your state remedies on Ground Three, explain why: _____

(c) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

☐ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition?

☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

AO 241
(Rev. 01/15)

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three:

GROUND FOUR:

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) If you did not exhaust your state remedies on Ground Four, explain why:

(c) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

☐

Yes

☐

No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐

Yes

☐

No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

AO 241
(Rev. 01/15)

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition? _____

☐

Yes

☐

No

(4) Did you appeal from the denial of your motion or petition? _____

☐

Yes

☐

No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? _____

☐

Yes

☐

No

(6) If your answer to Question (d)(4) is "Yes," state: _____

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: _____

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four: _____

AO 241
(Rev. 01/15)

13. Please answer these additional questions about the petition you are filing:

- (a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? ☐ Yes ☐ No

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them:

- (b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? ☐ Yes ☐ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available.

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? ☐ Yes ☐ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: _____

(b) At arraignment and plea: _____

(c) At trial: _____

(d) At sentencing: _____

(e) On appeal: _____

(f) In any post-conviction proceeding: _____

(g) On appeal from any ruling against you in a post-conviction proceeding: _____

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? ☐ Yes ☒ No

(a) If so, give name and location of court that imposed the other sentence you will serve in the future: _____

(b) Give the date the other sentence was imposed: _____

(c) Give the length of the other sentence: _____

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? ☒ Yes ☐ No

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.*

564 US 383 McQuiggin v Perkins
ACTUAL PROCEEDINGS ON CONSPIRACY
AND GIGLIO V US 405 US 150 IMPROPER
XOBT EVIDENCE ON OPEN COURT RECORD
RECORD ITS A FEDERAL CRIME
TO SUPPRESS IMPROPER EVIDENCE ON
COURT RULING THIS LIE ABOUT IT

AO 241
(Rev. 01/15)

Rule 608 (c)

EVIDENCE OF BIG

ANY MOVING TO HIS REPRESENT
MAY BE SHOWN TO IMPERFECT
THE WITNESS

ABUSE OF DISCRETION BY JUDGE
LIVING ON COURT RULING THERE

WAS NO EVIDENCE WHEN
OPEN COURT MOTIONS EXHIBIT 1
DEFENDANT MOTIONS TO ADMIT

ER 608 (c) CHARACTER EVIDENCE AGAINST
(2R) EXHIBIT 2 MOTION FOR PRETRIAL
HEARINGS ON CHILD HEAR SPY STATEMENT

THUS GOSLO V US 405 US 150
ALLOWS THIS EVIDENCE AND DOJ

9-5001B IS A FEDERAL LAW TOO
THE STATE OF WASHINGTON HAS

LIED IN OPEN COURT PROCEEDING

THIS IS A FEDERAL CRIME

WHICH WILL BE PLACE ON INTERNET

TO SHOW THEY LIE IN COURT PROCEEDING

TOO WIN CASES AND TO BOYCOTT

WASHINGTON STATE AT ALL COST

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

- AND ALL UNITED STATES CITIZEN WHO SEE YOUR (LIR)
- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of
 - (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
 - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
 - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
 - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

AO 241
(Rev. 01/15)

- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Therefore, petitioner asks that the Court grant the following relief:

TO GRANT THE
RELIEF TO SUBMIT
VACATE THE RECORD

or any other relief to which petitioner may be entitled.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on _____ (month, date, year).

Executed (signed) on _____ (date).

5602 112TH AVE SE
Puyallup, WA 98372

PRO SE

John E. Rock Sr.

Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON,

Plaintiff,

v.

JOHN E. ROACH,

Defendant.

) Superior Court
) No. 04-1-05119-5

) Court of Appeals
) No. 34515-3-II

) Volume 6-B
)

VERBATIM TRANSCRIPT OF PROCEEDINGS
Motions

October 31, 2005 (p.m.)

COPY

ANN MARIE G. ALLISON, CCR, RPR
Official Court Reporter, Department 20
Pierce County Superior Court
930 Tacoma Avenue South, Room 534
Tacoma, Washington 98402

and I can go after that bias.

And those are the two that I can think of right now that still -- that are out there.

THE COURT: So we won't see each other again until the morning of the 29th. However, on the 28th, Mr. Pimentel, you have -- you're actually -- Mr. Roach has got to be here long enough to --

MR. PIMENTEL: Monday the 28th.

We need to write an order.

THE COURT: Right, so that I can swear in the jury.

MR. PIMENTEL: Your Honor, I would ask that we enter the orders on the -- the findings for competency and hearsay. He presented those to me.

MR. LEECH: And I did -- I discovered over the lunch hour that our office has a template for competency and hearsay, and I went through and did that. And I apparently misstated --

MR. PIMENTEL: No. 2..

MR. LEECH: My proposed orders finding hearsay admissible, I said ZR is generally of good character, and the Court held that he was too young to develop character. What I would propose is to say

STATE v ROACH, Colloquy - 10/31/05

character, but there's evidence that he has bad character," or something to that effect.

THE COURT: I think that I ruled he understands his obligation to tell the truth and realizes what happens when he doesn't.

MR. PIMENTEL: Let's be more -- this isn't specific enough, I don't think.

Did you take notes?

MR. LEECH: I did.

MR. PIMENTEL: The competency one I don't have a problem with unless you want to take the time right now, but I don't have a problem with that.

MR. LEECH: I can go through each one more to each of the Court's findings, and I'll make and circulate proposed copies to the Court and Mr. Pimentel so that we can discuss the issues in advance.

MR. PIMENTEL: Yes -- I'm handing forward the order finding ZR correct.

THE COURT: All right. I have a recess in the morning. I'll see Mr. Pimentel stand-in and Mr. Leech on the 16th of November at 1:30.

MR. PIMENTEL: Correct.

STATE v. ROACH - 10/31/05

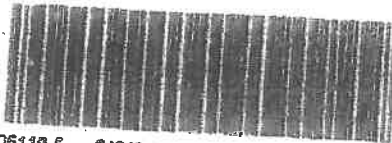
today?

MR. PIMENTEL: No. We'll do the presentment
of the other order on the 29th.

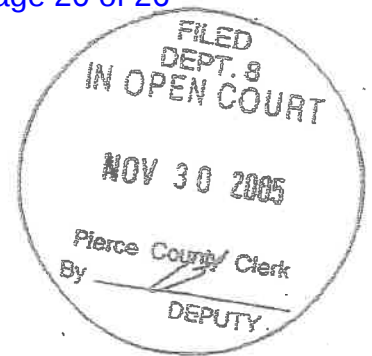
THE COURT: I've signed the order finding
the child victim competent to testify at trial.

(Recess)

STATE v ROACH, Colloquy - 10/31/05



04-1-05119-5 24248487 MT 12-15-05



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

JOHN ROACH,

Defendant.

CAUSE NO. 04-1-05119-5

DEFENDANT'S MOTION TO ADMIT
ER 608(a) CHARACTER EVIDENCE
AGAINST ZR

FACTS

The defense intends to call Bill Harrington, the Guardian Ad Litem of ZR, to testify to ZR's character for untruthfulness. Mr. Harrington was ZR's Guardian Ad Litem in the dissolution between Mr. and Ms. Roach. Mr. Harrington will testify that he had access to all of ZR's medical and school records, that he contact with ZR's counselors and teachers, and through these people was informed of the conduct of ZR both as it related to interacting with supervisors, but also peers.

Mr. Harrington will testify that he had significant contact with ZR's daycare provider, Sally Gray, who communicated to him that ZR had issues with dishonesty. Sally Gray was ZR's daycare provider during 2003 and early 2004. Sally Gray is the person who communicated this problem to Dr. Timothy Ernest, who recorded in his psychological evaluation of ZR, "[ZR] does have difficulty regarding lying" See p.1, Exhibit G of Defendant's Motion for Pretrial Hearing previously submitted.

DEFENDANT'S MOTION TO ADMIT
ER 608(a) CHARACTER EVIDENCE
AGAINST ZR -1

JORDAN LAW OFFICE, P.S.
2201 NORTH 30TH STREET
TACOMA, WA 98403
(253) 627-4040
(253) 627-4157 (Fax)

During that same timeframe (early and mid-2004), Mr. Harrington also had significant contact with ZR's teacher, Sue Corak of Spinning Elementary School in Puyallup, Washington. According to Mr. Harrington, Ms. Corak had great difficulty with ZR lying. According to Ms. Corak, ZR would steal property from other students, hide the property and then lie about it. He was apparently caught doing this on numerous occasions. This is also mentioned in ZR's Psychiatric Evaluation. See Exhibit G of Defendant's motion for Pretrial Hearing previously submitted at page 3.

This same conduct is noted by ZR's counselor. On December 15, 2004 ZR's counselor wrote: "Behaviors continue with secretive, hiding items." See Exhibit N of Defendant's motion for Pretrial Hearing previously submitted. On that same date the counselor wrote: "Behaviors – defiance, arguing, lying acting out at school."

On January 19, 2005 ZR's Foster Mother reported problems with ZR lying. See Exhibit O of Defendant's motion for Pretrial Hearing previously submitted. In that same report, ZR's counselor noted that ZR's Foster Mother reports "angry outbursts and lying." *Id.*

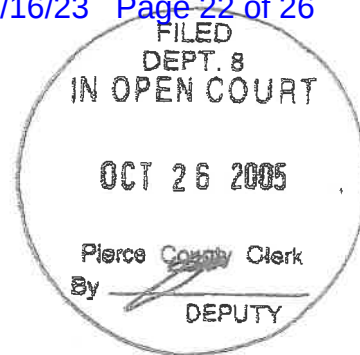
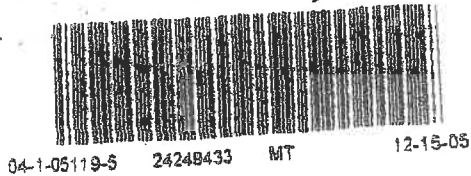
Bill Harrington will testify that everyone associated with ZR, (teachers, counselors, healthcare workers and even his mother and father) recognized that ZR had huge problems lying. Mr. Harrington will testify that ZR would make-up stories that had no basis in fact. On one occasion, Mr. Roach, based on ZR's report, reported to CPS that Ms. Roach's daughter was having sex with a 50 year-old neighbor. This turned out to be completely false. Mr. Harrington will testify that ZR's stories were so frequent and disturbing that by the time that this incident occurred, Mr. Harrington required substantiation for any story that ZR told because his lies were so frequent and extravagant.

ARGUMENT

1. ZR's Character for Untruthfulness should be admissible under ER 608(a).

DEFENDANT'S MOTION TO ADMIT
ER 608(a) CHARACTER EVIDENCE
AGAINST ZR -2

JORDAN LAW OFFICE, P.S.
2201 NORTH 36TH STREET
TACOMA, WA 98403
(253) 627-4040
(253) 627-4157 (Fax)



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

JOHN ROACH,

Defendant.

CAUSE NO. 04-1-05119-5

MOTION FOR PRETRIAL
HEARING ON CHILD HEARSAY
STATEMENTS AND
TRIAL MEMORANDUM

FACTS

On August 12, 2004, the kid's school clubhouse daycare in Puyallup, Washington reported to CPS that ZR had a quarter-size bruise on his forehead, a bruise on his right cheek, and a large dark bruise on his right shoulder. The daycare further reported that when asked how he received the bruises, ZR indicated that his father struck him multiple times with keys when he was angry. There are no other allegations contained in the CPS report. Attached and incorporated as though fully set forth herein is the DSHS referral report dated August 12, 2004.

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04-1-05119-5 24248467 MT 12-15-05

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

JOHN ROACH,

Defendant.

CAUSE NO. 04-1-05119-5

DEFENDANT'S MOTION TO ADMIT
ER 608(a) CHARACTER EVIDENCE
AGAINST ZR

FACTS

The defense intends to call Bill Harrington, the Guardian Ad Litem of ZR, to testify to ZR's character for untruthfulness. Mr. Harrington was ZR's Guardian Ad Litem in the dissolution between Mr. and Ms. Roach. Mr. Harrington will testify that he had access to all of ZR's medical and school records, that he contact with ZR's counselors and teachers, and through these people was informed of the conduct of ZR both as it related to interacting with supervisors, but also peers.

Mr. Harrington will testify that he had significant contact with ZR's daycare provider, Sally Gray, who communicated to him that ZR had issues with dishonesty. Sally Gray was ZR's daycare provider during 2003 and early 2004. Sally Gray is the person who communicated this problem to Dr. Timothy Ernest, who recorded in his psychological evaluation of ZR, "[ZR] does have difficulty regarding lying" See p.1, Exhibit G of Defendant's Motion for Pretrial Hearing previously submitted.

DEFENDANT'S MOTION TO ADMIT
ER 608(a) CHARACTER EVIDENCE
AGAINST ZR -1

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During that same timeframe (early and mid-2004), Mr. Harrington also had significant contact with ZR's teacher, Sue Corak of Spinning Elementary School in Puyallup, Washington. According to Mr. Harrington, Ms. Corak had great difficulty with ZR lying. According to Ms. Corak, ZR would steal property from other students, hide the property and then lie about it. He was apparently caught doing this on numerous occasions. This is also mentioned in ZR's Psychiatric Evaluation. See Exhibit G of Defendant's motion for Pretrial Hearing previously submitted at page 3.

This same conduct is noted by ZR's counselor. On December 15, 2004 ZR's counselor wrote: "Behaviors continue with secretive, hiding items." See Exhibit N of Defendant's motion for Pretrial Hearing previously submitted. On that same date the counselor wrote: "Behaviors – defiance, arguing, lying acting out at school."

On January 19, 2005 ZR's Foster Mother reported problems with ZR lying. See Exhibit O of Defendant's motion for Pretrial Hearing previously submitted. In that same report, ZR's counselor noted that ZR's Foster Mother reports "angry outbursts and lying." *Id.*

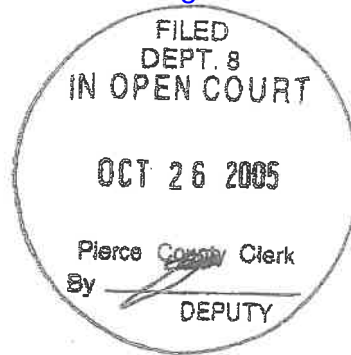
Bill Harrington will testify that everyone associated with ZR, (teachers, counselors, healthcare workers and even his mother and father) recognized that ZR had huge problems lying. Mr. Harrington will testify that ZR would make-up stories that had no basis in fact. On one occasion, Mr. Roach, based on ZR's report, reported to CPS that Ms. Roach's daughter was having sex with a 50 year-old neighbor. This turned out to be completely false. Mr. Harrington will testify that ZR's stories were so frequent and disturbing that by the time that this incident occurred, Mr. Harrington required substantiation for any story that ZR told because his lies were so frequent and extravagant.

ARGUMENT

1. ZR's Character for Untruthfulness should be admissible under ER 608(a).



04-1-05119-5 24249433 MT 12-15-05



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2254 UNDER PENALTY OF
PERJURY ON

MAY I DECLARE

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